

ENTERED

April 03, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL NO. 2:18-CR-135
	§	
MARCELO PEREZ-GARCIA	§	

OPINION AND ORDER GRANTING MOTION FOR CONTINUANCE

On April 2, 2018, Defendant Perez-Garcia orally moved for a continuance of the final pretrial conference and jury selection and trial because the Defendant and counsel had not yet had adequate time to review the discovery and because the Defendant misunderstood the nature of the plea offer tendered by the United States to Defendant's counsel. The Defendant had not had adequate time to consider whether he wished to have a trial or plead guilty. The United States was unopposed to the motion.

Under the Speedy Trial Act, a district court may grant a continuance and exclude the resulting delay from the time in which a trial must commence if it makes on-the-record findings that the ends of justice served by granting the continuance outweigh the public's and defendant's interests in a speedy trial. 18 U.S.C. § 3161(h)(7).

Having considered the Defendant's motion, the Court finds that the failure to grant a continuance in this case would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Accordingly, the Court finds that the ends of justice are served by granting a continuance in this case and outweigh the best interests of the public and Defendant in a speedy trial, and the period of the continuance is excluded from speedy trial computation.

The Court **GRANTS** the Defendant's motion and **CONTINUES** the final pretrial conference until April 25, 2018, at 9:00 a.m. before undersigned and schedules the jury selection and trial for May 7, 2018, at 9:00 a.m. before Hon. Nelva Gonzales Ramos.

ORDERED this 2nd day of April, 2018.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE